

REMARKS

Claims 1-4 and 10-12 are pending in the above application. By the above amendment, claims 11 and 12 have been added, and claim 2 has been cancelled.

The Office Action dated November 17, 2006, has been received and carefully reviewed. Each issue raised in that Office Action is addressed below.

REQUEST FOR REVIEW BY SUPERVISORY PATENT EXAMINER

The present Office Action is the third non-final Office Action to issue in this case. Section 707.02 of the MPEP provides:

The supervisory patent examiners should impress their assistants with the fact that the shortest path to the final disposition of an application is by finding the best references on the first search and carefully applying them.

The supervisory patent examiners are expected to personally check on the pendency of every application which is up for the third or subsequent Office action with a view to finally concluding its prosecution.

It is respectfully requested that the examiner's supervisor personally check on the pendency of this application as required by the MPEP so that the claims can be allowed or so a clear issue can be developed for appeal.

REQUEST FOR EXPLANATION OF REASONS FOR WITHDRAWING REJECTIONS

Section 707.07(f) of the MPEP provides that "[i]f applicant's arguments are persuasive and upon reconsideration of the rejection, the examiner determines that the previous rejection should be withdrawn, the examiner must provide in the next Office communication the reasons why the previous rejection is withdrawn by referring specifically to the page(s) and line(s) of applicant's remarks which form the basis for withdrawing the rejection. It is not acceptable for the examiner to merely indicate that all of applicant's remarks form the basis for withdrawing the previous rejection (emphasis added)." The present Office Action does not comply with this section of the MPEP. Making such statements of record is not only required by the MPEP but may allow the Applicant to better understand the new grounds of rejection raised by the examiner. Because Applicant has not had the benefit of this explanation in preparing the

following remarks, it is respectfully submitted that, if all claims are not allowed, the next Office Action should be non-final to provide Applicant with the opportunity to consider the examiner's explanation of reasons for withdrawing the previous claim rejections.

REJECTIONS UNDER 35 U.S.C. 102(b)

Claim 1 was rejected under 35 U.S.C. 102(b) as being anticipated by Causley. By the above amendment, the limitations of claims 2, 3 and 4 have been added to claim 1. Claims 3 and 4 were not rejected under 35 U.S.C. 102(b). It is therefore respectfully submitted that amended claim 1 is not anticipated by Causley, and the withdrawal of the rejection of claim 1 under 35 U.S.C. 102(b) is respectfully requested.

Claim 10 was rejected under 35 U.S.C. 102(b) as being anticipated by Causley. By the above amendment, the limitations of claims 2 and 3 have been added to claim 10. Claim 3 was not rejected under 35 U.S.C. 102(b) as being anticipated by Causley. It is therefore respectfully submitted that amended claim 10 is not anticipated by Causley, and the withdrawal of the rejection of claim 10 under 35 U.S.C. 102(b) is respectfully requested.

REJECTIONS UNDER 35 U.S.C. 103(a)

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Causley. The limitations of claim 3 are now present in amended claims 1, 3, 4 and 10. If claim 3 is found to be allowable, it is respectfully submitted that amended claims 1, 4 and 10 should also be allowable. The rejection of claim 3 is addressed below.

As an initial matter, it is noted that the record contains no support for the statement that "the compositional proportions taught by Causley overlap the instantly claimed proportions." If this rejection is maintained, it is respectfully requested that the examiner explain what compositional proportions are taught by Causley and how these compositional proportions overlap those recited in claims 3 and 4. Since neither the spectral reflectances of Causley's component dyes nor the spectral reflectance of the resulting ink is disclosed in Causley, it is not believed that the record supports this statement.

The case law relied upon in the Office Action also does not support the present rejection. The *Peterson* case involved a claimed range of an element in an alloy which range was contained completely within a range disclosed in the prior art. In the present case, Applicant claims certain relationships between spectral reflectances, not a particular "range," and Causley in no manner discloses a range of spectral reflectances. For this reasons as well, it is submitted that a prima facie case of obviousness has not been presented in connection with claims 3 and 4, and that claims 3 and 4 further distinguish over the art of record for at least this reason.

CONCLUSION

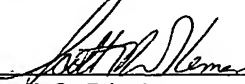
Each issue raised in the Office Action dated November 17, 2006, has been addressed, and it is believed that claims 1, 3, 4 and 10-12 are in condition for allowance. Wherefore, reconsideration and allowance of these claims is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the examiner is respectfully requested to contact Scott Wakeman (Reg. No. 37,750) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By  #37,750
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